

001504

INTV W POLICE
10/8/82

001505

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

STATE POLICE

INTERVIEW OF:

BRENDA MARSH

PRESENT AT INTERVIEW:

LIEUTENANT JOHN DWYER
State Police Assigned to the District
Attorney's Office, Middlesex County

JOHN NASUTI
State Police Polygraph Operator

Nancy Taylor, Police Officer
Ayer Police Department

Friday, October 8, 1982
Superior Courthouse
E. Cambridge, Massachusetts

JGF Court Reporters
Superior Courthouse
East Cambridge, Massachusetts 02141

001506

BRENDA MARSH, Sworn

LIEUTENANT DWYER: My name is Detective Lieutenant John Dwyer from the Middlesex County District Attorney's Office. We are here today to interview Miss Brenda Marsh of Ayer, Massachusetts.

Also present at the interview is Nancy Taylor of the Ayer Police Department and State Police Polygraph Operator, John Nasuti.

This interview is starting at 10:20 a.m. and today's date is October 8, 1982.

Q (Lt. Dwyer) Brenda, what's your date of birth?

A. 7-14-57.

Q And your address?

A. Worcester.

Q Brenda, will you please relate any and all information you have to the facts surrounding the death of Mrs. Katherine Brow of 7-1/2 Rosewood Avenue, Ayer, Massachusetts, on May 21, 1980, any and all information that you know that would help us in this investigation. Will you please now start, Brenda? Miss Nancy Taylor will ask you a few questions.

001507

3

1
2 Q (Miss Taylor) Did you live in Ayer in the year
3 1980?

4 A. Yes.

5 Q Who did you live with in Ayer and what was the
6 address?

7 A. I think it was 7 Vernon Street with Benjamin
8 Davenport. It was his house.

9 Q Who else lived in that house with you?

10 A. Kennie Waters and my two kids.

11 Q What are your kids names?

12 A. Sean and Randy.

13 Q Is that Kenneth W. Waters?

14 A. Yes.

15 Q Okay. And what part of 1980 did you live there
16 in Ayer?

17 A. From May to June.

18 Q From May to June of 1980? So approximately one
19 month?

20 A. One month, yes.

21 Q Were you employed?

22 A. No.

23 Q Was Kennie Waters employed?
24

001508

4

1

2

A. Yes.

3

Q Where did he work?

4

A. Parkway Diner or Park Street Diner, but that diner.

5

6

Q Park Street Diner. What were his hours?

7

A. He worked nights, all different hours. Like, sometimes it was from maybe ten to like six or seven in the morning, sometimes eleven to noontime. It depended.

10

11

Q Okay. Do you remember the day that Mrs. Brow was murdered?

12

13

A. Yes.

14

Q Do you remember what time of day that happened?

15

A. Well, I just remember seeing all the police and everything down there. I know it was between like ten, you know, around eleven. Between eleven and noontime, I know it was that.

18

19

Q Did Kennie Waters work that night prior to the murder?

20

21

A. He was supposed to, but I called there and they said he wasn't in and I didn't know where he was.

22

23

Q When he left home to go to work, did he indicate

24

159

5

1

2

he was going to work?

3

A. Yes.

4

Q He did?

5

A. Mm-mum.

6

Q And approximately what time did you call the diner?

7

A. It was late. It was probably between twelve and one.

8

9

Q And you spoke with someone and what did they say to you?

10

11

A. She said he wasn't there.

12

Q He wasn't there. When did he come home?

13

A. Between like ten, ten-thirty the next morning.

14

Q What was his condition when he came home?

15

A. Drunk. He was drunk.

16

Q Do you recall what he was wearing?

17

A. As far as I know the same thing he left with.

18

I don't remember.

19

Q You don't know what he had on?

20

A. No. I know he worked in a white shirt, but he wore any kind of pants he wanted.

21

22

Q Do you remember seeing anything, any injuries on

23

him?

24

1510

6

1
2 A. A scratch on the left side of his face.

3 Q What kind of a scratch?

4 A. It was a deep scratch right down the left side
5 of his face.

6 Q From where to where?

7 A. Like from here, from like the top of his
8 cheekbone right down his chin.

9 Q To his chin?

10 A. Yes.

11 Q Did he explain or did you ask where the scratch
12 came from?

13 A. I asked where he got it and he
14 none of my business."

15 Q Did he have that scratch when he left to go to
16 work the night before?

17 A. No, he didn't.

18 Q Did it look like it had bled at all?

19 A. Yes.

20 Q Did you see any other injuries on his hands or
21 arms?

22 A. No.

23 Q No. What was his frame of mind, other than drunk?
24

1511

7

1
2 A. Well, he went to bed after, when he got
3 home.

4 Q He went right to bed?

5 A. Yes, he was drunk and he went right to bed.

6 Q When did he wake up?

7 A. It was in the afternoon.

8 Q Did you wake him up? Did you ask him to go
9 somewhere with you?

10 A. No. I know the police came and talked to
11 him but I can't remember whether it was the day
12 that it happened or the day after.

13 Q Before the police came to talk to him, did he
14 say anything to you about the police?

15 A. He said if they came he didn't want to talk
16 to them, not to tell them he was there.

17 Q Did he indicate why?

18 A. No.

19 Q Did you at any point tell him what had happened
20 down the street?

21 A. Yes.

22 Q What did you say to him?

23 A. Oh, I told him that something happened down in
24

1512

8

1 the trailer. And he was asleep and I had to wake
2 him up. I told him I was going to go down there
3 and see what happened and asked him if he wanted
4 to go and he said "no" and rolled over and went
5 back to sleep. He said "He didn't care."

6
7 Q Is this when he told you if the Ayer Police came
8 that he wasn't at home?

9 A. Yes.

10 Q And was that pretty much how he said it?

11 A. Yes.

12 Q Before this murder happened, did he ever talk about
13 that woman in the trailer?

14 A. Yes.

15 Q What did he say to the best of your memory?

16 A. He said she went in the diner quite a bit and
17 she was talking about having a lot of money and
18 going back to Germany, I guess it was. And he
19 said he'd like to get his hands on that money, that's
20 all he said.

21 Q Did he ever call her by name?

22 A. No, not in front of me.

23 Q Just the woman that lived in the trailer who was
24

Don't
rem.

1513

9

1 hanging around in the diner.

2
3 A. Yes. I never knew her name until after she got
4 killed.

5 Q Did he ever indicate how much money was involved?

6 A. He just said a lot.

7 Q A lot?

8 A. Mm-mum.

9 Q Okay. You said that the Ayer Police came and
10 questioned him either that day or the next day?

11 A. Yes. I think it was the next day.

12 Q Did they question him at the house or did they take
13 somewhere?

14 A. No, they took him somewhere.

15 Q Did they bring him back?

16 A. Yes.

17 Q What did he say when he came back?

18 A. He said we were leaving.

19 Q Did he say where you were going?

20 A. To Providence.

21 Q Did he say why?

22 A. Because he was being blamed for something he
23 didn't do.

24

1514

10

1 Q And did you, in fact, leave and go to Providence?

2 A. Yes, in a couple of days. It was either three
3 or four days after that happened. He didn't give
4 the Ayer Police a chance to talk to him again.

5 Q Before you left did he spend any great amounts of
6 money? Did he seem to have any large amounts of
7 money?

8 A. Well, I never seen any money but he bought a
9 swimming pool and I don't know where he got the money
10 for it. I don't even remember where he bought it.

11 Q How much money did he make at the diner, do you know?

12 A. No. I know his paycheck wasn't much over a
13 hundred a week. Sometimes, it wasn't even that much.

14 Q After this murder happened, did he ever go back to
15 work at the diner?

16 A. I don't think so. No, I don't think so because
17 we left and he sent me back from Providence to get
18 his paycheck and on my way out I got stopped. And
19 they took his paycheck away from me.

20 Q That was the day that his stepbrother, or whatever,
21 was arrested on a motor vehicle charge.

22 A. David O'Connor, yes.

23
24

1515

1

2

Q Right. How long did you stay in Providence with him before you left him?

3

4

A. Not very long. It was, maybe, a month, maybe even less. I don't even think it was a month.

5

6

Q Was there a time, while you were in Providence, during this month that the subject of Mrs. Brow came up?

7

8

9

A. Only once, just before I was leaving him.

10

Q And what was the conversation?

11

12

13

14

15

16

A. Well, he was drunk. It wasn't even much of a conversation. He was drunk and I said, "You did kill that woman, didn't you?" and he said, "Yeah, what's it to you?" And that's all there was and it was dropped. I didn't want to push it because I didn't want to get beat up.

17

Q Why did you say that to him?

18

19

20

21

22

A. Because ever since it happened, I had the feeling that he did do it anyways. I just kind of thought he did it and I figured I'd ask him and I did and he said "Yeah, what's it to you?" and it was ended right there. That's when I left him.

23

24

Q Do you know that he capable of violent acts?

1
2 A. Oh, yes.

3 Q Do you know of any that's he ever ---

4 A. Oh, yes, he's tried to choke me. He's put a
5 butcher knife to my throat. He slapped my daughter
6 when she was two months old. He hurt my son at
7 three years old. He shot bullets into my gangster's
8 truck where I used to live. He kicked my neighbor's
9 doors in all the time. Oh, yes, he's capable of a
10 lot.

11 Q Did he ever try to push you out a window?

12 A. Yes, a second floor window. He ripped my
13 clothes off me and started beating on me. He
14 fractured three of my ribs. He gave me a concussion
15 and two black eyes and my mouth was all out up and
16 swollen.

17 Q Did he chase you down the street with a gun?

18 A. Yes, a 357 Magnum in Providence.

19 Q Was he arrested for that?

20 A. Yes. He didn't have the gun on him though
21 when they arrested him. His brother took it.

22 Q Were there ever any incidents involving him and
23 violence in New Hampshire that you know?
24

1517

13

1
2 A. Yes, I know of one. He cut a guy's throat with
3 a knife and he went to jail for it for three and a
4 half years.

5 Q What color hair does Kennie Waters have?

6 A. Kind of a sandy color. It's light.

7 Q As light as mine?

8 A. No.

9 Q Do you know what his blood type is?

10 A. No, I don't.

11 Q You don't. Do you know what size shoe he wears?

12 A. About a nine and a half.

13 Q What kind of shoes did he usually wear?

14 A. Sneakers.

15 Q Do you know brand?

16 A. No, I don't.

17 Q Do you know where he bought them?

18 A. No.

19 Q Did he have any work boots or dress shoes?

20 A. He had a pair of work boots and those he bought
21 at Zayre's. I know where he bought them.

22 Q In the next couple of days, when you were packing
23 to leave, did you see any of his clothing that
24

1518

14

1

2

looked unusual?

3

A. No.

4

Q No? That morning when he came home drunk, did he
5 come with a car?

6

A. He had his car with him.

7

Q He did?

8

A. Yes, he did.

9

Q And he left the night before with his car?

10

A. Yes. That's the only way he had to get to work.

11

Q Which car did he have?

12

A. He had a station wagon. I think it was a Ford.

13

I'm not sure on the kind.

14

Q What color was it?

15

A. I think it was white with like the wood sides.

16

Q Did he ever have access to or own a yellow car

17

around that time?

18

A. Yes, a Pinto. He had a Pinto wagon, it was

19

yellow.

20

MISS TAYLOR: Jack:

21

Q (Lt. Dwyer) Brenda, that morning that he came back
22 and you said he was drunk and he didn't go to work,
23 right?

24

1519¹⁵

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A. Mm-mum.

Q And when he came back into the house were those the clothes he left with it, when he left to go to work?

A. I think so. He could have changed his shirt. I don't know because he wore a white shirt to work and he had a white shirt on when he came home and he could have changed it before he got home, I don't know. I have no idea.

Q Did you notice any blood or anything on his clothes?

A. No, all I noticed was the scratch on his face.

Q That's all he had?

A. Yes.

Q No blood on his pants or his shirt or anything else?

A. No.

Q Do you think they were changed? Did it look like they were?

A. I don't know.

Q Where could he have changed them?

A. Anywhere. He has his car with him. Anywhere.

Q And his shoes, he had the same shoes on that you think he left with? What do you call them?

A. Sneakers.

1520

16

1

2 Q Sneaker type?

3 A. Yes.

4 Q That's the same shoes he had on when he left? He
5 didn't change his shoes?

6 A. No.

7 Q Did he have any scratch marks on his hands or
8 anything?

9 A. No, just his face.

10 Q Just his face, huh?

11 A. He should still have scar from it too, because
12 it was a deep scratch.

13 Q A real deep scratch?

14 A. On the left side of his face.

15 Q On the left side of his face?

16 A. Yes.

17 Q You didn't see the money?

18 A. No, I never seen any money.

19 Q Oh, you said he bought a swimming pool?

20 A. Yes.

21 Q What else did he buy?

22 A. He bought a swimming but ---

23 Q How much was the swimming pool worth?

24

17
CC 1521

1 A. I know it was over two hundred dollars.

2 Q Two hundred dollars?

3 A. Yes, and neither one of us ever had any money.

4 I don't know where he got the money for it, or
5 anything. And I know after I left him, he went to
6 California and I don't know how he got there either.

7 Q But you always had a feeling that he did kill Mrs.
8 Brow?

9 A. He did it.

10 Q I mean, ever since the time that he didn't go to
11 work and he came back?

12 A. Well, when I found out that she was dead, I
13 kind of thought he did it, because I know what he's
14 capable of.

15 Q Yes. And after we got through interviewing him,
16 Chief Adamson and myself, he just said, "Let's pack
17 and go?"

18 A. Yes.

19 Q Did he say anything about taking a Polygraph test
20 with us or anything like that?

21 A. No, he never said nothing about that.

22 Q Nothing like that? He just said, "Pack and let's
23

24

1522

18

1
2 get out of here"?

3 A. Yes.

4 Q (Miss Taylor) Do you ever recall him having any
5 jewelry during this time that he was selling?

6 A. I remember a diamond ring but I can't remember
7 when it was he had it. I was trying to remember if
8 it was when I lived in Upton Gardens or when I was
9 in Ayer or what. I can't remember when he had it.
10 I remember the ring, because I remember him first
11 saying he was going to get it enlarged for me and
12 I didn't want it.

13 Q What size ring do you wear?

14 A. A nine.

15 Q So this was smaller than a nine?

16 A. Oh, yes. I have big fingers. And a girl friend
17 of mine, I was talking with her the other day, and I
18 just brought up a ring and she says she remembers him
19 having a diamond ring because he tried to sell it to
20 her, but she don't remember when it was either.

21 Q Do you remember the color of the band?

22 A. It was a sliver, and it was just one stone.

23 Q Did it stand up high?
24

1523

19

1

2

A. It was a small one.

3

Q But did it stand up on prongs or was it fairly recessed?

4

5

A. Yes. It was on prongs.

6

Q Did you ever try it on your little finger?

7

A. No, I didn't.

8

Q (Lt. Dwyer) Brenda, do you think that ring was in the same time frame that this thing happened?

9

10

A. I've been thinking about since I talked to her on Monday night and I can't --- I've been racking my brains and I can't remember.

11

12

13

Q Can you get ahold of your friend who saw this ring?

14

A. I talked to her already and she don't remember.

15

She's got a worse memory than I have.

16

Q Okay. Now, getting back to Providence, Rhode Island, when you down there with Mr. Waters. After he made the statement and come out and said, "Yeah, I killed her," what else did he say?

17

18

19

20

A. That was it. I didn't push it, you know, because

21

I didn't want to get a beating from him again. He

22

beat me all the time, when he was drunk, and I didn't

23

push the issue. I just asked him that. He didn't

24

1524

20

1
2 even know that I was leaving because he was drunk.

3 I asked him that and that was the end of it. I
4 packed my stuff and my kids stuff and I left.

5 Q And that's all he said, "Yeah, I killed her" and
6 period and that was it?

7 A. Well, what I said was, "You did kill that woman,
8 didn't you?" and he said, "Yeah, what's it to you?"
9 and that was ended right there. I didn't want to
10 push my luck with him.

11 Q (Miss Taylor) Was there ever any other woman that
12 was killed that he would have known about and you
13 would have known about?

14 A. No, not as far as I know.

15 Q So it's fair to say that you were talking about ---

16 A. The one in Ayer, yes. He knew who I was talking
17 about. He knew just who I was talking about.

18 Q (Lt. Dwyer) How long had you been living with him
19 or whatever?

20 A. I lived with him close to four years.

21 Q Four years?

22 A. Yes.

23 Q And this is the first outstanding incident regarding
24

1525

21

1
2 this and he knows that you're referring to this
3 woman in Ayer?

4 A. Right.

5 Q You're not talking about anyone else as Miss Taylor
6 said?

7 A. No, nobody else. He knew who I was talking
8 about.

9 Q All right, fine. Brenda, I'm going to show you
10 a photograph of a knife that was found at the murder
11 scene of Katherina Brow. Brenda, do you recognize
12 this knife?

13 A. Yes, I do.

14 Q And when did you last see this knife?

15 A. Kennie Waters had it.

16 Q Kennie Waters had this knife?

17 A. Yes, it's the exact same knife.

18 Q The exact same knife with a brown handle.

19 A. Yes.

20 Q And where did he get this knife?

21 A. Global Van Lines in Worcester.

22 Q And that's where he worked?

23 A. Yes, he used it there.
24

1526

22

1

2

Q And he always kept this knife in his possession?

3

A. In his pocket, yes.

4

Q In his pocket?

5

A. Yes.

6

Q Now, when I showed you this picture of this knife
7 you had no question in your mind that this was
8 his knife?

9

A. No question about that's the one he had.

10

Q That's the one he had?

11

A. Yes, it sure is.

12

Q And especially when you were living in Ayer.

13

A. Yes, he had it all the time.

14

Q Where did he keep this on his person?

15

A. In his back pocket.

16

Q In his back pocket?

17

A. Yes.

18

Q And you say he also had another knife?

19

A. He had a hunting knife.

20

Q A hunting knife?

21

A. Yes.

22

Q Now, if he went to work at the diner would he take
23 the hunting knife with him or would he carry this

24

1527

23

1 knife with him? What would you say?

2
3 A. The hunting knife was always on his side but
4 he had that with him all the time too.

5 Q So he always carried two knives with him in his
6 possession?

7 A. Yes.

8 Q Now, Brenda, think back a little bit in regard to
9 the knife, when he was supposed to go to work that
10 night at the diner but he never did go to work, and
11 we're talking about the other knife now, the one
12 that he kept on the side in a holster type thing,
13 did he have that knife with him?

14 A. Yes.

15 Q And he had this knife here that we have the picture
16 of and which we are now showing you?

17 A. Yes.

18 Q He had both knives when he went to work that night?

19 A. Yes. He had them with him all the time.

20 Q He had them with him all the time?

21 A. Yes.

22 Q And there's no question in your mind, Brenda, that
23 this is the knife?

24 A. No question in my mind.

1528²⁴

1
2 Q Brenda, is there any animosity on your part
3 towards Kennie Waters or anything that you have
4 against him and that's why you're coming forward
5 with this information pertaining to the homicide?

6 A. No.

7 Q I know he's beaten you up in the past, as you have
8 stated, along with your kids and he's threatened
9 your life, but is there any animosity in this
10 regard and that's why you're coming forward with
11 this information?

12 A. No.

13 Q There is no animosity?

14 A. No.

15 Q And you are coming forward because ---

16 A. Because I think I know he did it.

17 Q And what else? Do you want to get it off your
18 conscience, more or less?

19 A. Yes, kind of.

20 Q Has it bothered you for a few years?

21 A. Well, I thought about it, but I never knew
22 what to do about it and never said anything about
23 it. I told my boy friend about it.

1529

25

1

2

Q Who is your boyfriend?

3

A. Robert Osborne.

4

Q Are you still with Robert Osborne?

5

A. Yes, I am.

6

Q When did you tell Robert Osborne?

7

A. I just met him in May. I told him about this
8 about a month ago.

9

Q You're very candid with your boy friend?

10

A. I've told him a lot, yes, about what he used to
11 do to me and it just came up what he did with that
12 woman and I told him.

13

Q And you related these facts to your boy
14 that respect?

15

A. Yes.

16

Q Brenda, you came down here voluntarily and of your
17 own free will with no promises of anything from
18 either Miss Taylor or the District Attorney's

19

Office?

20

A. I came down here willingly.

21

Q Willingly and of your own free will?

22

A. Yes.

23

Q Brenda, after you leave here, you're going with

24

1530

27

1
2 Jack Nasuti from the State Police who will give you
3 a Polygraph test and you are aware of that also?

4 A. Yes.

5 Q And you're willing to do this also?

6 A. Yes.

7 Q And everything that you told us here is the truth?

8 A. Yes.

9 LIEUTENANT DWYER: Thank you very much,
10 Brenda.

11 This interview will be terminated at
12 11:15 a.m.

13
14
15
16
17
18
19
20
21
22
23
24

JGF Court Reporters

Superior Courthouse

East Cambridge, Massachusetts 02141